

REMARKS

Claims 8, 10-13, and 17-20 are pending in the application. Claims 8 and 17 are independent. By the foregoing Amendment, claims 8, 10, 17 and 20 have been amended. Applicant believes that these changes introduce no new matter and their entry is respectfully requested.

Objection to Claim 10

In the Office Action, the Examiner objected to claim 10 citing informalities. By the foregoing Amendment, Applicants have amended claim 10 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claim 10.

Rejection of Claim 17 Under 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. By the foregoing Amendment, Applicant has amended claim 17 to accommodate the Examiner. Accordingly, Applicant respectfully requests the Examiner reconsider and remove the rejection to claim 17.

Rejection of Claims 8 and 11 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 8 and 11 as unpatentable over U.S. Patent No. 4,876,442 to Fukushima (hereinafter “*Fukushima*” in view of U.S. Patent No. 5,519,720 to Hirano (hereinafter “*Hirano*”). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, an Examiner must show that there is some expectation of success that the combination proffered would result in the claimed invention. The Examiner also must show that the cited references teach each and every element of the claimed “invention.” (MPEP §2143.) *citing In re Vaect*; 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int'l C. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). It can be important to identify a reason that would have prompted a

Independent claim 8 recites in pertinent part “a first resistor having a first terminal and a second terminal, the first terminal coupled to receive the current from the photodiode; a thermistor having a first terminal coupled to the first terminal of the first resistor and a second terminal *directly connected* to the second terminal of the first resistor; and a second resistor having a first terminal and a second terminal, the first terminal coupled to the second terminal of the first resistor and *directly connected* to the second terminal of the thermistor, wherein a current through the thermistor is to adjust in response to a change in temperature;” (emphasis added). Support for these changes according to at least one embodiment can be found in Applicant’s Figure 3.

In the Office Action, the Examiner acknowledges that *Fukushima* would not read on claim 8 if the claims were amended to recite “*directly connected*” (emphasis in original). By the foregoing amendment, Applicant has amended claim 8 as indicated by the Examiner and as such respectfully submits that claim 8 is patentable over *Fukushima*. Applicant respectfully submits that *Hirano* fails to make up for the deficiencies in *Fukushima*. Nor does the Examiner assert that *Hirano* teaches the missing features. Thus Applicant respectfully submits that *Fukushima* in view of *Hirano* fails to teach each and every element of claim 8 and that claim 8 is thus patentable over *Fukushima* in view of *Hirano*. Claim 11 properly depends from claim 8 which Applicant submits is patentable. Accordingly, Applicant respectfully submits that claim 11 is patentable for at least the same reasons that claim 8 is patentable. See MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 8 and 11.

Rejection of Claims 10-11 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 10 as unpatentable over *Fukushima* in view of *Hirano* in view of U.S. Patent No. 5,383,208 to Queniat et al. (hereinafter “*Queniat*”). Applicant respectfully traverses the rejection. Claim 10 properly depends from claim 8 and as such is patentable for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 10.

Rejection of Claim 12 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 12 as unpatentable over *Fukushima* in view of *Hirano* in view of *Queniat* in further view of U.S. Patent No. 6,055,251 to Ouchi et al. (hereinafter “*Ouchi*”). Applicant respectfully traverses the rejection. Claim 12 properly depends from claim 8 and as such is patentable for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 12.

Rejection of Claim 13 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 13 as unpatentable over *Fukushima* in view of *Hirano* in view of *Queniat* in further view of U.S. Patent No. 5,812,582 to Gilliland et al. (hereinafter “*Gilliland*”). Applicant respectfully traverses the rejection. Claim 13 properly depends from claim 8 and as such is patentable for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 13.

Rejection of Claims 17-20 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 17-20 as unpatentable over in view of *Hirano* in view of *Queniat* in further view of U.S. Patent No. 6,327,277 to Killian (hereinafter “*Killian*”). Applicant respectfully traverses the rejection.

Independent claim 17 recites in pertinent part “a thermistor having a first node *directly connected* to the first node of the first resistor and a second node *directly connected* to the second node of the first resistor, wherein a current through the thermistor is to adjust in response to a change in temperature; a second resistor having a first node and a second node, the first node coupled to the second node of the first resistor and *directly connected* to the second node of the thermistor; a third resistor having a first node coupled to the first node of the thermistor and the first node of the first resistor, and a second node coupled to the second node of the thermistor, the second node of the first resistor, and the first node of the second resistor, the third resistor to adjust the temperature slope of the thermistor” (emphasis added). Support for these changes

according to at least one embodiment can be found in Applicant's Specification at Figure 3.

In the Office Action, the Examiner acknowledges that *Fukushima* would not read on claim 8 if the claims were amended to recite “*directly connected*” (emphasis in original). By the foregoing amendment, Applicant has amended claim 17 as indicated by the Examiner and as such respectfully submits that claim 17 is patentable over *Fukushima*. Applicant respectfully submits that *Hirano* in view of *Hirano* in view of *Queniat* in further view of *Killian* fails to make up for the deficiencies in *Fukushima*. Nor does the Examiner assert that *Hirano*, *Queniat*, or *Killian* teach the missing features. Thus, Applicant respectfully submits that *Fukushima* in view of *Hirano* in view of *Queniat* in further view of *Killian* fails to teach each and every element of claim 17 and that claim 17 is thus patentable over *Fukushima* in view of *Hirano* in view of *Hirano* in view of *Queniat* in further view of *Killian*. Claims 18-20 properly depend from claim 17 which Applicant submits is patentable. Accordingly, Applicant respectfully submits that claims 18-20 are patentable for at least the same reasons that claim 17 is patentable. See MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 17-20.

CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

9/10/2007
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